



FREDERICK COUNTY BOARD OF APPEALS

August 24, 2023

CASE NUMBER: B-23-13 B273724 Park Mills Rd Vet Clinic

REQUEST: Requesting approval of a Special Exception to allow a Veterinarian Clinic in accordance with Section 1-19-8.338 of the Frederick County Code - Kennels, Animal Hospitals or Veterinary Clinics In The (A) and (VC) Districts.

PROJECT INFORMATION:

ADDRESS/LOCATION: 2653 Park Mills Road, Adamstown
TAX MAP/PARCEL: Tax Map 104, Parcel 0162
ZONE: Agricultural (A)
REGION: Urbana
WATER/SEWER: NPS/NPS
COMP. PLAN/LAND USE: Agricultural/Rural

APPLICANT/REPRESENTATIVES:

APPLICANT: Jeff Holtzinger
OWNER: Adrian E. Shell, Erika Forney
ENGINEER: N/A
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Mike Paone, Zoning Planner

RECOMMENDATION: Based on the findings and conclusions in the staff report, Staff has no objection to the approval of this Application for a Veterinarian Clinic in accordance with Sec. 1-19-3.210 Special Exceptions and Sec. 1-19-8.338, Kennels, Animal Hospitals or Veterinary Clinics in the A and VC Districts.

Attachments:

Attachment #1: Property Site Plan
Attachment #2: Property Site Plan
Attachment #3: Zoning Map
Attachment #4: Aerial Map
Attachment #5: Environmental Features Map
Attachment #6: Comprehensive Plan Map

Background

The required setbacks for this Low Density Residential (R1) zoned property are front – 40', side – 50', rear – 50'. The Applicant is requesting a Special Exception to establish a "Veterinary Clinic" per Sec. 1-19-3.210 Special Exceptions and Section. 1-19-8.338, Kennels, Animal Hospitals or Veterinary Clinics in the A and VC Districts. The proposed use of the existing farmhouse will be as a satellite veterinary clinic for the main office located in Urbana at 3540 Worthington Boulevard. The site will also include an indoor pet staging structure, proposed pavilion, and proposed parking areas. The goal of the Park Mills Road satellite location is reducing foot traffic and parking demand for the primary location at 3540 Worthington Boulevard.

Staff Note: The existing farmhouse structure is non-conforming due to setbacks. This structure may remain and may be used for the vet clinic, although it may not be expanded or modified without specific review and approvals in accordance with §1-19-4.220 of the County Code.

*** Please note that the Applicant has not proposed to expand or modify this structure as part of this application.**

Sec. 1-19-3.210 Special Exception:

- (A) An application for a special exception may be made only by persons with a financial, contractual or proprietary interest in the property for which a special exception is requested.

The Applicant's contractor Jeff Holtzinger states that he has written permission to represent the owners Adrian E. Shell, and Erika Forney. A signed letter from the owners granting him permission to represent them has been provided.

- (B) A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the Board finds that:

- (1) The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of Chapter 1-19 of the County Code; and

The Applicant states that the veterinary clinic use will retain the existing structure and most of the open space. The proposed use is consistent with the Agricultural Zoning for the property and with the Comprehensive Plan Designated Land Use of Agriculture. The Frederick County agricultural zoning permits animal related services within the agricultural zone.

- (2) The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and

The Applicant states that the proposed veterinary clinic and pavilion retain low density use for the site, which is consistent with the surrounding neighborhood of low-density residential development. The existing residence on the site will be retained and utilized as the proposed veterinary clinic. The site area is 6.98 acres. Even with the proposed indoor pet staging structure, proposed pavilion and proposed parking areas, the majority of this 6.98-acre site will be retained as open space. The proposed veterinary care services do not constitute a high intensity use and are consistent with the surrounding low density uses.

STAFF NOTE: There are several issues related to the concept plan submitted by the Applicant including potential access from Peters Road, wetlands on this property, and significant Health Department comments. These issues may result in the shifting of certain buildings from where they are currently shown on this concept. These matters will have to be addressed at the time of Site Plan review and Planning Commission review and approval.

(3) Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district; and

The Applicant states that because the proposed veterinary clinic is located on a relatively large site and because most of the site is retained as open space, this proposed use will not have an adverse impact with regard to fumes, noise, traffic and/or other characteristics beyond those associated with locating this veterinary clinic on other agricultural zoned properties. In addition, the proposed use is located on a collector road and thus will not present any issues with roadway or traffic capacity. The proposed use also retains a low density and low intensity use for this 6.98-acre site.

(4) Parking areas will comply with the off-street parking regulations of Chapter 1-19 of the County Code and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

The Applicant states that the proposed use will be required to go through County site plan review and will therefore have to address the requirements for Parking, Lighting and Landscaping at that time. Likewise, the proposed entrances associated with this use will undergo and be subject to review by the County Division of Planning and Permitting.

(5) The road system providing access to the proposed use is adequate to serve the site for the intended use.

The site has frontage on both Park Mills Road and Peters Road. The primary access for the proposed use is from Park Mills Road, which is a collector road under the County Road Classification system. The proposed use will generate a minor traffic load and be well within the traffic capacity for Park Mills Road.

Staff Note: An additional access is proposed on Peters Rd. Please note that this access will have to meet all applicable entrance spacing criteria as well as all applicable site distance requirements during the Site Plan review stage.

- (C) In addition to the general requirements listed above, uses requiring a special exception shall be subject to the specific requirements for each use outlined in §§ [1-198.320](#) through [1-19-8.355](#) of this Code.

The Applicant states that he understands this requirement.

- (D) A special exception approval may be granted in accordance with the general and specific requirements enumerated in this section. The Board of Appeals may, in addition to other requirements imposed under Chapter 1-19 of the County Code and is hereby authorized to add to the specific requirements any additional conditions that it may deem necessary to protect adjacent properties, the general neighborhood, and its residents or workers. Violation of such additional conditions, when made a part of the terms under which the special exception permit is granted, is a violation of Chapter 1-19 of the County Code and may be grounds for termination of the special exception.

The Applicant states that he understands this requirement.

- (E) The Board of Appeals shall not grant a special exception unless and until:

- (1) A written application for a special exception is submitted indicating the section of Chapter 1-19 of the County Code under which the special exception is sought and stating the grounds on which it is requested; and

The Applicant states that he understands this requirement.

- (2) A public hearing has been held; and the Board had made a finding of fact that the special exception requested meets the general and specific requirements outlined in this section.

The Applicant states that he understands this requirement. The BOA Hearing is scheduled for August 24, 2023.

- (F) The grant of special exception may include approval of customary incidental accessory uses as reviewed and approved by the Zoning Administrator.

The Applicant states that he understands this requirement.

- (G) No use or activity permitted as a special exception shall be enlarged or extended beyond the limits authorized in the grant of special exception. All enlargements, extensions, and changes in use shall require grants of special exception, as in the case of an original petition.

The Applicant states that he understands and will comply with this requirement.

- (H) If a grant of special exception is denied, no new petition for the denied use on the same property shall be accepted by the Board of Appeals for 1 year after the date of denial of the petition.

The Applicant states that he understands this requirement.

- (I) A decision of the Board of Appeals granting a special exception will be void 5 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the Applicant, a 1-time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

The Applicant states that he understands this requirement.

§ 1-19-8.338. Kennels, Animal Hospitals, or Veterinary Clinics in the A and VC Districts.

The following provisions shall apply to commercial kennels, animal hospitals or veterinary clinics in the A and VC Districts.

- (A) The minimum lot area, lot width, yard setbacks and height, shall be as provided for in the table in § [1-19-6.100](#).

The Applicant states that the application meets or exceeds the required lot width, yard setbacks and height set forth in Section 1-19-6.100 for animal care uses in the (A) Agricultural Zone.

- (B) Operations will be conducted within a completely enclosed building, no outside runs or kennels are permitted, except in the A District, and then subject to a 150 foot minimum setback from all property lines.

The Applicant states that the operations will be conducted within a completely enclosed building, no outside runs or kennel. If there are outside kennels, the Applicant will need to amend their application to include this additional use.

- (C) In the A District, the maximum number of animals permitted shall be 100.

The Applicant states he understands and will comply with this requirement.

- (D) In the A District, one freestanding sign no more than 15 feet in height and 25 square feet in area is permitted and shall be subject to the normal setback requirement for natural resources uses.

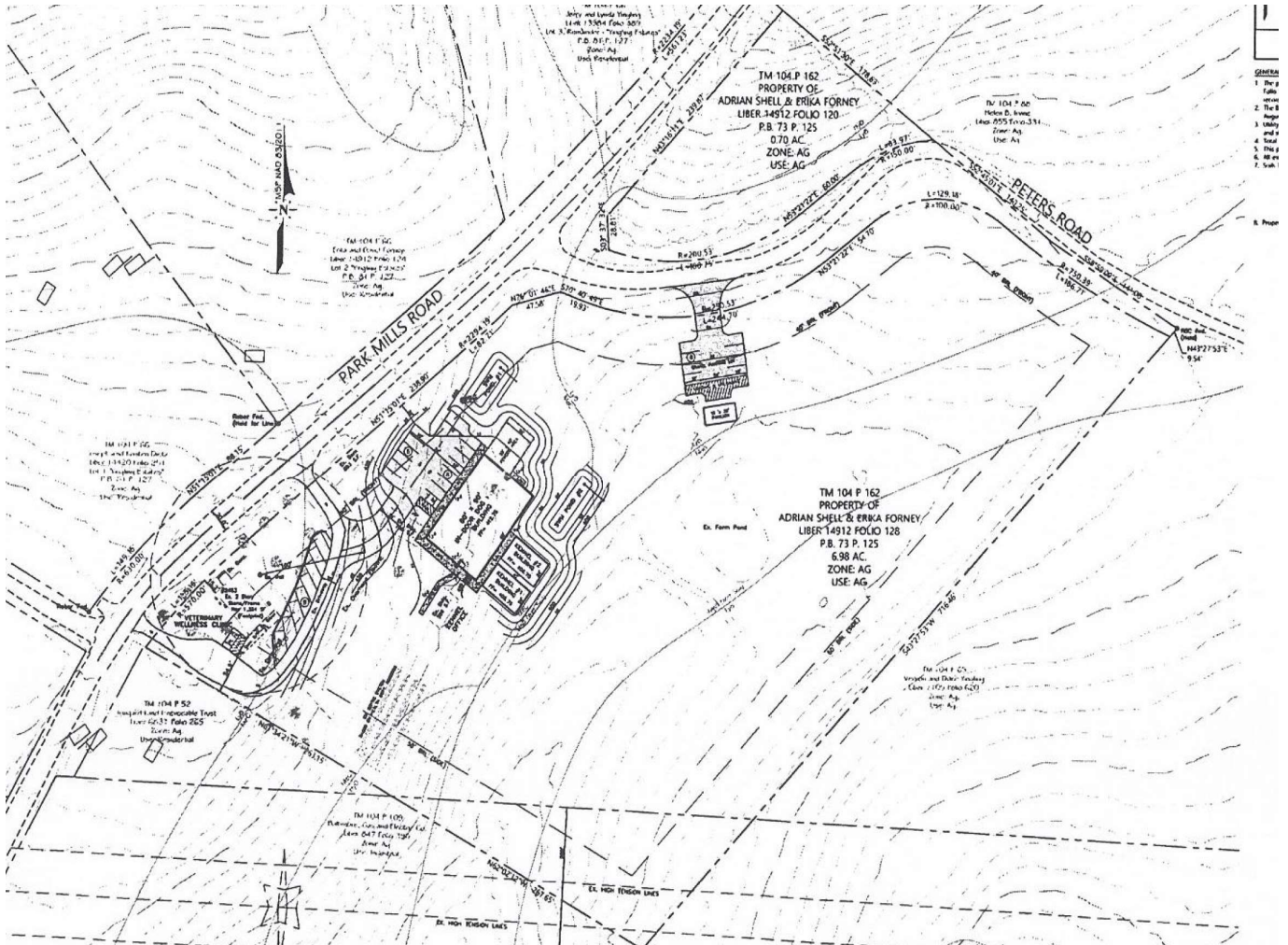
The Applicant states that he understands and will comply with this requirement.

RECOMMENDATION

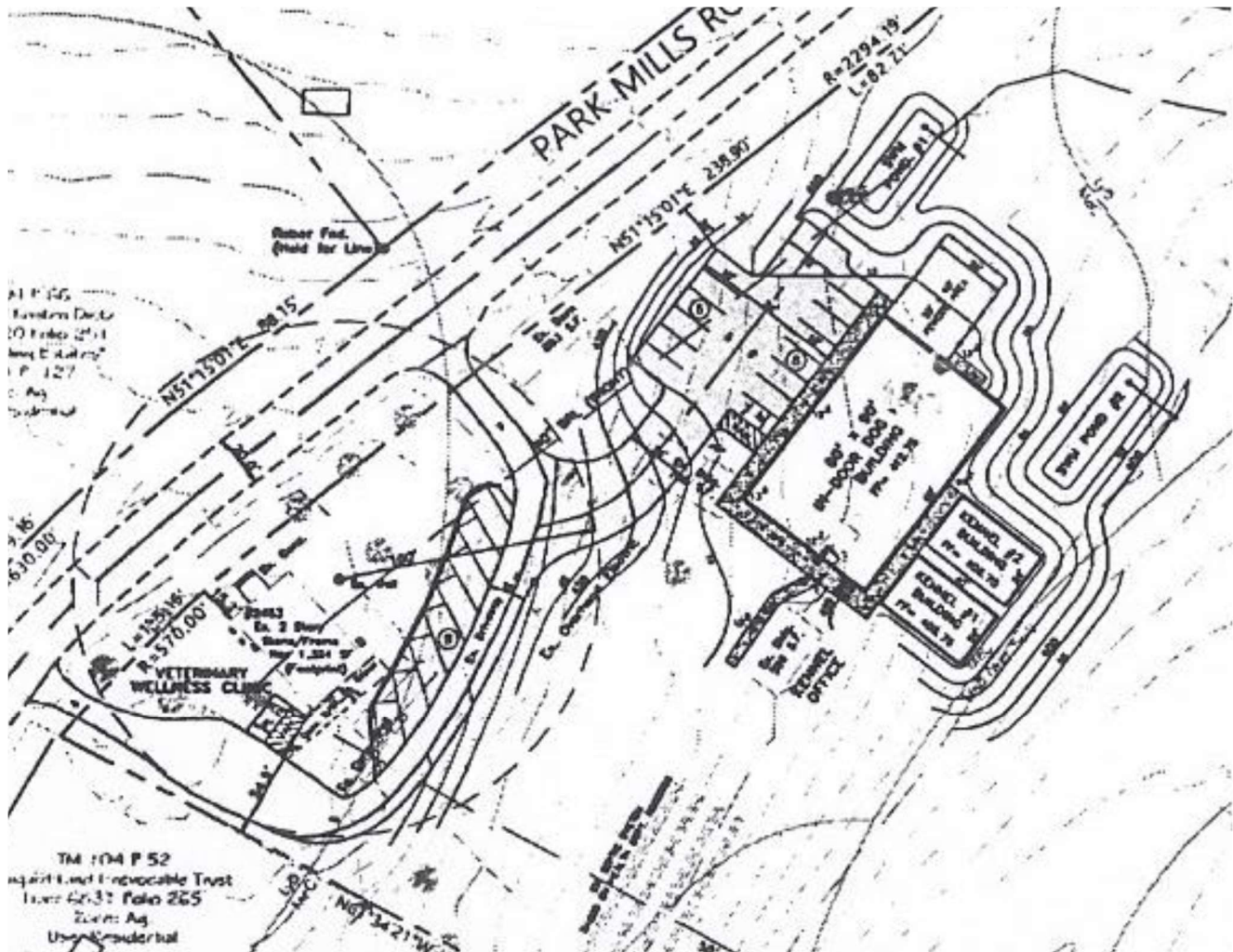
Based on the findings and conclusions in the staff report, Staff has no objection to the approval of this Application for a Veterinarian Clinic in accordance with Sec. 1-19-3.210 Special Exceptions and Sec. 1-19-8.338, Kennels, Animal Hospitals or Veterinary Clinics in the A and VC Districts. Subject to final site development plan approval as well as Building permit approval.

Section 1-19-3. 210.I: A decision of the Board of Appeals granting a special exception will be void 5 years from the date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in the accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the Applicant, a time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

Attachment #1: Property Site Plan



Attachment #2: Property Site Plan



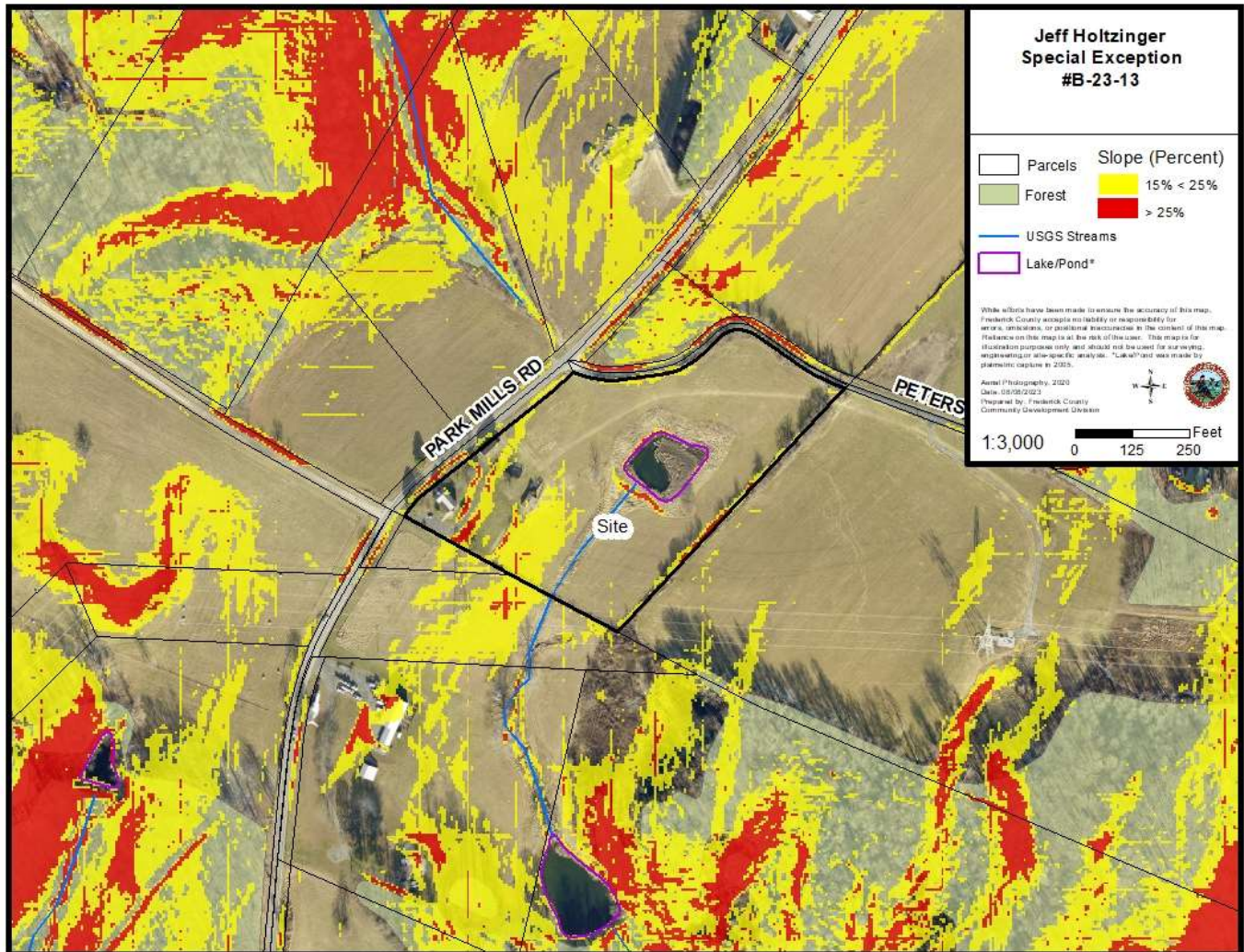
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